

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

THOMAS and CHERYL HANNEMAN,)	
)	3:06-cv-00472-LRH-VPC
Plaintiffs,)	
)	<u>ORDER</u>
vs.)	
)	
SCOTT and FETHER DUGAN,)	
)	
Defendants.)	
_____)	

The Court Clerk has brought to the court's attention, the Plaintiffs' Emergency Motion for Stay of Eviction, Return of Possession and Restraining Order (Doc. #2) filed on August 28, 2006. The motion will be denied upon the following grounds:

Plaintiffs have filed this action without the benefit of representation of counsel and have filed a complaint alleging violations of Title 42 U.S.C. § 1983 against Defendants, commonly referred to as a civil rights action. It would appear that pro se plaintiffs are unaware that civil rights complaints are generally not available against defendants as private citizens. Defendants herein appear to be private individuals and not officials acting under color of law. It, therefore, appears that this is not an action upon which Plaintiffs can prevail and it further appears highly questionable whether the court has jurisdiction in this action under any circumstances. Before relief can be granted to Plaintiffs, emergency or otherwise, there must be a showing of a likelihood of success on the merits. Under the circumstances briefly outlined above, Plaintiffs have not been able to make that showing and it appears that they would not be able to make it under any circumstances.

1 It is also evident that Plaintiffs are encountering difficult and stressful legal issues and a
2 threatened eviction. It is highly recommended that they seek private counsel and carefully review
3 whatever legal remedies may be available to them.

4 Plaintiffs' Emergency Motion for Stay of Eviction, Return of Possession and Restraining
5 Order (Doc. #2) is hereby denied.

6 DATED this 15th day of September, 2006.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written over a light blue circular stamp.

9
10 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE